

REQUEST FOR PROPOSALS

HOME PROGRAM SINGLE FAMILY DEVELOPMENT COMMUNITY HOUSING DEVELOPMENT ORGANIZATIONS



**MOBILE COUNTY, ALABAMA
OPEN APPLICATION ROUND OPENS
JANUARY 2, 2015**



Mobile County
205 Government Street, South Tower
8th Floor,
Mobile, AL 36644
www.mobilecountyal.gov

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I. INTRODUCTION

The Mobile County Consortium as a participating jurisdiction (PJ) is a recipient of the HOME Investment Partnership Program (HOME) from the U.S. Department of Housing and Urban Development (HUD). As lead agency for the Consortium, Mobile County Commission requests applications from community housing development organizations (CHDOs) to construct and sell single family homes to low income households in the Mobile County Consortium area.

HOME is a federally funded program specifically designed to provide decent, safe, sanitary housing to low income individuals and families. HOME requires that a PJ set-aside at least 15% of its annual HOME allocation to a community housing development organization (CHDO) that is a developer, sponsor and/or owner of a housing project. Certification of an organization as a CHDO takes place in the context of a specific project to be funded from the CHDO set aside.

II. GENERAL REQUIREMENTS

Applicants should review and become familiar with the guidelines for Mobile County Single Family Development Program and Mobile County Guidelines for CHDOs. Both guidelines are included by reference and are available from the County upon request.

Applications will be scored based on compliance with the requirements set forth in both the guidelines.

III. RFP REQUIREMENTS

For this RFP, the County will only accept applications from CHDOs.

Development locations must be within the Consortium area which consists of City of Bayou La Batre, City of Chickasaw, City of Citronelle, City of Creola, Town of Mount Vernon, City of Prichard, City of Saraland, City of Satsuma, City of Semmes and the unincorporated areas of Mobile County.

A. Application Requirements and Deadline:

This application is set in two sections.

The first section is an application for single family development. The proposing agency must submit the application cover sheet and required materials described in Appendix A, which includes all certifications in Appendix B and, if applicable, the Uniform Relocation Act Forms in Appendix E. All materials must be in compliance with the Single Family Development Program Guidelines.

The second section is an application to be designated as a Mobile County CHDO. To be certified, the nonprofit seeking CHDO status must submit the required materials described in Appendix C, CHDO Threshold Checklist, and Appendix D, CHDO Board certification(s) and summary. All materials must be in compliance set with the CHDO guidelines.

Responses to both sections of the RFP are required in order to be considered for funding.

Applications will be accepted beginning on March 1, 2015. Following March 31st, 2015 if funds remain available, the County will continue to accept applications on a first-eligible, first-served basis until funds are exhausted.

Please submit two (2) hard copies of the response. Copies include one (1) original (so marked), and one (1) copy. In addition, please provide another copy in electronic format. The electronic copy does not substitute for the hard copies.

Applications must be sealed and properly labeled. Submissions may be mailed or hand delivered to the address below:

Grants Department
Mobile County Commission
South Tower, 8th Floor
Mobile Government Plaza
205 Government Street
Mobile, Alabama 36644-1800

Please mark envelope "CHDO Single Family Development."

For additional information or clarification about this request please email Nayyer Mahdi at nmahdi@mobile-county.net.

The acceptance of any application shall not imply a funding obligation to any applicant. The County reserves the sole right to approve or reject any and all applications on such basis as it deems to be in its best interest and to waive any irregularities or informalities in the proposal. The Mobile County Commission does not discriminate on the basis of race, age, sex, national origin, religion or disabilities and is an equal opportunity employer.

B. Maximum Award:

In each funding round, the County establishes a maximum cap on its investment in a single development. Maximum Project Subsidy limits are based on the availability of funding and other County priorities. For this funding round, the total award is \$240,000 with no more than

\$150,000 awarded for any one home. Applicants should note that HUD imposes separate per unit subsidies that are more fully explained in the Program Guidelines.

C. Inclusion of Soft Costs:

For each funding round, the County will provide allowances for development period County soft costs to be used by Applicants in their proposals. For this funding round, Applicants should assume up to \$2,500 per project in County soft costs. This allowance should be included in the CHDO's proposed project budget.

D. Income Restrictions:

To qualify as affordable housing, HOME units must be sold only to households with certain incomes regulated by the program. Current Income Restrictions are provided at Appendix C.

E. Match:

The County must contribute or match 25 cents for each dollar of HOME funds spent on affordable housing. To assist the County in meeting this requirement, proposals that include eligible matching funds in their projects will receive points under the scoring criteria. Except for funding donated to a nonprofit developer specifically for an affordable housing project, applicants should note that owner equity does not count as match and will not result in the award of match points under this RFP. Examples of eligible match include city or town commitments for infrastructure needed for the site or donations of property for development. For more information on eligible match see HUD CPD Notice 97-03 which is available at the following link: http://portal.hud.gov/huddoc/19652_97-3.pdf

IV. SELECTION CRITERIA

If the County receives more applications than it can fund, it will use the following selection criteria to select from among competing applications.

The preliminary funding commitments resulting from this Request for Proposals shall be determined by a scoring system including, but not necessarily limited to, the factors shown below. Regardless of strict numerical ranking, the scoring does not operate to vest in an applicant or project any right to a reservation or commitment of HOME funds. The County will, in all instances, commit HOME funds consistent with sound and reasonable judgment, prudent business practices, and the exercise of its inherent discretion to ensure that:

- Developers awarded funds are both capable and fiscally sound;
- The neighborhood market will support the proposed housing; and
- The project's financial assumptions and projections have been reviewed (or underwritten) to balance their adequacy and subsidy layering considerations.

Points will be designated for each factor of consideration below with a maximum score of 100 points.

- *Developer experience— up to 40 points.*
Rankings will be based on scope of past portfolio including, but not limited to, leveraging of other sources of funds, experience developing and managing projects of similar type and scope, staff qualifications, input from other funders as well as the overall quality of the application for this project.
- *Financial Proposal—up to 30 points.*
Rankings will reflect the strength of the overall financial proposal including the combination and availability of other non-HOME funds. Applicant's current financial statement and independent audit will be reviewed for financial capacity and soundness.
- *Location, Design, and Amenities—up to 15 points.*
Projected rents as well as design and amenity considerations will be looked at closely for compliance with the requirements set out in the Program Guidelines. Each proposal will be compared to the County's minimum requirements and to each other to determine which proposal(s) are the strongest and provide the greatest public benefit.
- *Matching Contributions— up to 15 points.*
Proposals that include eligible matching funds as described in this RFP will be eligible for points in this category.

V. QUALIFICATIONS ON FUNDING

A. Limitation on County Commitment

Successful Applicant(s) will receive a letter of intent, which will state that the County's commitment of HOME funds is contingent upon: 1) approval of the Mobile County Consortium Action Plan by the Mobile County Commission and HUD; 2) availability of HOME funds; 3) final commitment of all funding sources; 4) an environmental review clearance and release of funds secured from HUD; and 5) execution of an agreement between the County and the developer/applicant within 3 months from the date of letter of intent. Construction of the project must start within 12 months of the aforementioned agreement.

Neither this RFP nor the acceptance of any application shall imply a funding obligation to any applicant. Funding of proposals will be contingent upon receipt of federal HOME funds from the U.S. Department of Housing & Urban Development (HUD). Should Mobile County HOME allocation be reduced or eliminated, no claim may be made against the County's General Fund or other resources regardless of the status of the proposal(s) or issuance by the County of a Commitment Letter(s) for HOME funding. The County reserves the sole right to approve or reject any and all applications on such basis as it deems to be in its best interest.

As a Participating Jurisdiction, Mobile County Commission is responsible for the administration of the HOME Program under federal HOME regulations and HUD requirements. It is the intent that this RFP be issued and proposals underwritten in compliance with said regulations and requirements. Should the regulations and requirements change at any time, the County reserves the right to alter its Program to ensure compliance up to and including terminating any Commitment issued if the project does not meet new HOME regulations and/or HUD requirements.

The County, its elected officials, employees and agents shall not be held responsible or liable for any losses incurred from claims, suits, damages, and costs and expenses of any kind or of any nature that any proposing firm may suffer, incur or pay arising out of decisions by the County concerning any proposal, application, loan decision(s), or action(s) associated with the administration of the HOME Program.

B. Good Standing

No loan application will be processed for any borrower or related entity which is not in good standing with the Mobile County Commission, the Alabama Housing Finance Authority or any other state housing finance authority, the Alabama Department of Economic and Community Affairs (ADECA), the U. S. Department of Housing and Urban Development or the USDA Office of Rural Development (formerly the Farmers Home Administration). An applicant can be denied consideration for funding if the applicant or its related parties have a history of default or non-performance under any agreement, payment delinquencies, bankruptcy, foreclosure, or activities determined to be unsound or unlawful.

C. Code of Conduct

The developer covenants that no person who presently exercises any functions or responsibilities in connection with the Mobile County HOME program has any personal financial interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. The developer further covenants that in the performance of this Agreement, no person having any conflict of interest shall be employed. Any interest on the part of the developer or its employees must be disclosed to the County provided, however, that this paragraph shall be interpreted in such a manner so as not to unreasonably impede the statutory requirements that maximum opportunity to be provided for employment of and participation by low and moderate income residents of the area.

SECTION 1

APPENDIX A

APPLICATION COVER SHEET AND REQUIRED MATERIALS CHECKLIST



**MOBILE COUNTY HOME PROGRAM
APPLICATION COVER SHEET
CHDO SINGLE FAMILY DEVELOPMENT
2014**

APPLICANT NAME: _____

APPLICANT ADDRESS: _____

APPLICANT PHONE: _____

APPLICANT EMAIL: _____

NAME OF AUTHORIZED REPRESENTATIVE: _____

AUTHORIZED REPRESENTATIVE PHONE: _____

AUTHORIZED REPRESENTATIVE EMAIL: _____

CERTIFICATION OF AUTHORIZED REPRESENTATIVE:

I, _____, as Authorized Representative for _____
_____, hereby certify that all materials submitted in this proposal as noted on the
checklist below are true and correct to the best of my knowledge and belief. I understand that any
attempt to falsify information in this application shall result in disqualification. Further, I hereby
consent to requests that Mobile County may make of third-parties for information to substantiate
information provided in this proposal, and I authorize third parties to release such information to
Mobile County.

Signed: _____

Print Name: _____

Date: _____

APPLICATION CHECKLIST:

The materials listed below must be submitted with this application. Materials must be organized according to the tab numbers below. If appropriate, provide an explanation for why any item is not applicable. Applicants should note that additional due diligence items will be required as set forth in Mobile County's Single Family Development Program prior to the County's final commitment of funds.

Application

- ☐ TAB 1: Complete Response to Request for Proposals including all required certifications and attachments.
- ☐ Tab 2: Executive Summary containing a brief synopsis of the proposed development and number of units, location, project costs and the proposed financing. The Summary should also have a brief description of the proposed homes (frontal elevation and floor plan only—detailed drawings are not required with RFP), amenities, and accessibility/adaptability provisions.

CHDO Threshold Package

- ☐ Tab 3 Mobile County CHDO Threshold Checklist and Board certification.

Developer Capacity & Fiscal Soundness

- ☐ TAB 4: Developer statement of qualifications that identifies
 - Recently completed comparable projects
 - All projects underway and/or pending
 - Staff assigned to this project and their roles and experience
 - Disclosure of any identity of interest purchases/contracting relationships
- ☐ Tab 5: Individual resumes, copies of appropriate licenses and/or professional certifications
- ☐ Tab 6: Current balance sheet
- ☐ Tab 7: Current year budget with comparison of actual performance YTD vs. projections
- ☐ Tab 8: Most recent corporate audit or reviewed financial statements
- ☐ Tab 9: Most recent tax returns (990s for nonprofit developers)

Site and Product

- ☐ Tab 10: Evidence of site control (e.g. option, purchase agreement, or deed)
- ☐ Tab 11: Uniform Relocation Act documentation
 - URA Notice to Seller of Voluntary Sale
 - Seller certification regarding vacancy (as applicable)

Underwriting/Financial Projections

- ☐ Tab 12: Proforma showing all project costs, construction sources, and estimated sales proceeds, to include estimates/documentation of professional services and soft costs (e.g. architectural fees, construction period taxes/insurance, marketing expenses, realtor listing agreement, etc.)
- ☐ Tab 13: Commitments for other financing, both permanent and construction loan sources (if available)

Market Data, Sales Effort, and Buyer Information

- ☐ Tab 14: Recent sale data for neighborhood—assess sales for comparison to planned units, pricing, time on market, etc.
- ☐ Tab 15: Sales & Marketing plan outlining
 - Description of primary market and outreach strategies
 - Availability of homebuyer counseling services and appropriate referral plan
 - Availability of appropriate first mortgage products

APPENDIX B
CERTIFICATIONS

CERTIFICATION REGARDING CONFLICT OF INTEREST

The undersigned certifies to the Mobile County Commission that it and its principals are in compliance with the Conflict of Interest provision of the HOME Program:

In all cases not governed by those rules, conflicts of interest are not permitted. The following applies:

If a person is:

An employee, agent, consultant, officer, elected official or appointed official of a PJ, State recipient or sub recipient,

AND have project-related responsibilities or access to inside information.

That person may NOT:

Obtain a financial benefit or interest from any HOME activity for themselves or those with whom they have family or business ties during their tenure or for one year thereafter.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

1. The undersigned certifies to the Mobile County Commission that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment or suspension, declared ineligible, or voluntarily excluded from any transactions or construction projects involving the use of Federal funds;
 - (b) Have not within a three-year period preceding this certification been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1) (b) of this certification; and
 - (d) Have not within a three-year period preceding this certification had one or more public projects (Federal, State or local) terminated for cause of default.
2. Where the undersigned is unable to certify to any of the statements in this certification, the undersigned shall attach an explanation to this certification.

CERTIFICATION REGARDING DISPLACEMENT, RELOCATION AND ACQUISITION

The undersigned hereby certifies to the Mobile County Commission that if its application is selected for funding, the project will not result in the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms).

CERTIFICATION REGARDING PROHIBITION OF THE USE OF HOME FUNDS FOR LOBBYING AND BRIBES

The undersigned certifies to the Mobile County Commission, for itself and its principals that:

- (1) No Federal appropriated funds have been paid or will be paid by or on behalf of the Owner, to any person for influencing or attempting to influence an office or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement;
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Owner will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- (3) The Owner shall require that this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

CERTIFICATION REGARDING AFFIRMATIVE MARKETING PROCEDURES AND EQUAL OPPORTUNITY

The undersigned applicant certifies to Mobile County Commission that it will continue to further Equal Opportunity and Fair Housing by:

1. Establishing affirmative marketing procedures to be utilized so that no person shall, on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity funded in whole or part with funds made available under Mobile County's HOME Program.
2. Complying with the requirements of the Fair Housing Act and the Age Discrimination Act of 1975.
3. Displaying the Fair Housing logo on its advertisements for those units and at the leasing or sales office. At a minimum, a Fair Housing poster will be displayed at the leasing or sales office.

4. Submitting in writing to the County its plans to solicit applications from persons in the community who are unlikely to apply without special outreach.
5. Maintaining a list of the characteristics of the tenants renting HOME assisted units and will assess and report annually the results of these efforts to the County.

Signature of Authorized Certifying Official:

Title:

Applicant Organization:

Date:

STATE OF ALABAMA)
COUNTY OF MOBILE)

I, the undersigned Notary Public in and for the State of Alabama at Large, hereby certify that _____, whose name as _____ of _____ is signed to the foregoing certifications and who is known to me, acknowledged before me on this date that that, being informed of the contents of the certifications, he, as such officer and with full authority, signed the same voluntarily for and as the act of said corporation.

GIVEN UNDER my hand and official seal this the _____ day of _____, 20____.

Notary Public

State of Alabama at Large

My Commission Expires: _____

APPENDIX C
HOME INCOME LIMITS AND HOME HOMEOWNERSHIP VALUE LIMITS

2014 HOME Income Limits for Mobile, Alabama MSA
(Annually Updated by HUD)

	Number of People	1	2	3	4	5	6	7	8
80% Median Income		30,200	34,500	38,800	43,100	46,550	50,000	53,450	56,900

Mobile County calculates Annual Income as defined in 24 CFR Part 5 (Section 8 Definition).

2014 HOME Homeownership Value Limits for Mobile, Alabama MSA
(Annually Updated by HUD)

Maximum Value Sales Price for new construction single family: \$195,000
Maximum Value/Sales Price (as completed) for existing housing: \$132,000

APPENDIX D
UNIFORM RELOCATION ACT FORMS

DISCLOSURES TO SELLER WITH VOLUNTARY, ARM'S LENGTH PURCHASE OFFER

Dear _____:

This is to inform you that _____ would like to purchase the property located at _____, if a satisfactory agreement can be reached. The above is prepared to pay \$_____ for clear title to the property under the conditions described in the attached proposed contract of sale.

Because Federal funds may be used in the purchase, Mobile County is required to disclose to you the following information:

- A. The sale is voluntary. If you do not wish to sell, _____ will not acquire your property. _____ does not have the power to acquire your property by condemnation (i.e. eminent domain).
- B. The estimated fair market value of the property is \$_____.

Since the purchase would be a voluntary, arm's length transaction, you would not be eligible for relocation payments or other relocation assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), or any other law or regulation. Also, as indicated in the contract of sale, this offer is made on the condition that no tenant will be permitted to occupy the property before the sale is completed.

Again, please understand that if you do not wish to sell your property, no further action will be taken. If you are willing to sell the property under the conditions described in the attached contract of sale, please sign the contract and return it to us.

Seller _____

Buyer _____

Date _____

Date _____

This form must be signed and dated by the SELLER at the beginning of any negotiations to purchase the seller's property and such date must be no later than the date of the purchase offer; a copy shall be given to the SELLER and the original retained in the applicant's individual file at the County.

[APPLICANT LETTERHEAD]

OCCUPANCY/VACANCY CERTIFICATION

This is to certify that I/we _____
are the owners and sellers of the property located at _____.

On or about the date of _____, I/we entered into a Purchase Agreement
with _____
for the purchase of the property described above.

At the time of the Purchase Agreement, I/we certify that the property located at _____:

Complete and check one of the following:

- ___ Was/is vacant of residential or non-residential tenants. I/we further certify that this property was vacant prior to any verbal land/or written agreement with the buyer.
- ___ Has been occupied by ourselves (the sellers) for the previous ____ months.
- ___ Has been occupied by the prospective purchasers, _____, for the previous ____ months.
- ___ Was occupied by the individuals listed on Attachment A during the three (3) months prior to the date of the Purchase Agreement.

Nothing that I/we did as part of this sale, or previous to it, caused tenants to vacate and therefore avoid relocation in a Federally-assisted project.

Signature of Seller

Date

Signature of Co-Seller

Date

SECTION 2

APPENDIX E MOBILE COUNTY CHDO THRESHOLD REQUIREMENTS CHECKLIST

MOBILE COUNTY CHDO THRESHOLD CHECKLIST

INSTRUCTIONS: Potential CHDOs seeking funding from the Mobile County should complete this form and provide all indicated attachments. The County will review these attachments to determine whether or not the organization meets initial threshold requirement to be certified as a CHDO. To be certified the nonprofit seeking CHDO status will have to submit an application for project funding so that the County can also determine whether or not the proposed project meets the requirements for being CHDO owned, developed, or sponsored per the requirements of 24 CFR 92.300(a). This information will also be necessary to pursue eligibility for CHDO operating support (24 CFR 92.208) and/or a pre-development loan (24 CFR 92.301).

In the form below, the potential CHDO should indicate which attached document(s) provide evidence for specific threshold criteria. Additionally, the applicant should indicate where in the document applicable provision can be found. For example:

<p><i>Criterion Met:</i></p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p style="color: red; font-weight: bold;"><i>This box for County Use Only</i></p>	<p><i>Documentation submitted to demonstrate this item:</i></p> <p><input type="checkbox"/> Charter;</p> <p><input type="checkbox"/> Articles of Incorporation;</p> <p><input checked="" type="checkbox"/> By-laws; OR <i>e.g. See pg 7 of By-laws for board member requirements</i></p> <p><input type="checkbox"/> Resolutions</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

REQUIRED ATTACHMENTS: Required attachments should be labeled with cover sheets.

- ☐ Articles of Incorporation/Charter
- ☐ Bylaws
- ☐ Certificate of Good Standing (issued not less than 60 days prior to application)
- ☐ IRS Nonprofit Designation letter
- ☐ Current Board Roster, must indicate LI representatives and public official/employee status
- ☐ Documentation of LI status for designated board members
- ☐ Certification of Public Official/Governmental Employee Status
- ☐ Corporate profile of for-profit entity that created organization (if applicable)
- ☐ Description of Formal Process for LI Beneficiaries to Advise on development including notes/minutes/reports of input received on proposed project(s)
- ☐ Corporate profile for prospective CHDO describing history of providing service within the community (i.e. organization's service area)
- ☐ CHDO Staff Roster

- ☐ W-2s for staff assigned to proposed project
- ☐ Resumes/biographies for staff assigned to proposed project
- ☐ 24 CFR 84.21 Financial Standards Certification/Documentation
- ☐ Map and Description of Service Area
- ☐ Other: _____
- ☐ Other: _____

SUMMARY	
<i>Organization:</i>	<i>Contact Name & Address:</i>
<i>County Date of Review:</i>	<i>Reviewed by County Representative:</i>
<i>County Determination:</i> <ul style="list-style-type: none"> <input type="checkbox"/> The organization meets initial CHDO Threshold requirements, including the capacity requirement as demonstrated by an attached CHDO Staff Capacity Evaluation Checklist <input type="checkbox"/> The organization will not be preliminarily certified as a CHDO at this time for the following reasons: <ul style="list-style-type: none"> <input type="checkbox"/> The organization has failed to meet and/or document compliance with the threshold criteria as indicated in the notes below and/or <input type="checkbox"/> Staff does not have the necessary capacity given the project proposed by the organization. 	
<i>Other Notes:</i> <div style="height: 150px;"></div>	

SECTION 1: LEGAL STATUS

1. Requirement

The nonprofit organization is organized under State or local laws [§92.2 CHDO definition paragraph (1)]

Criterion Met:

- ☐ Yes
☐ No

Documentation submitted to demonstrate this item:

- ☐ Certificate of Good Standing AND one or more of the following
☐ Articles of Incorporation
☐ Bylaws
☐ Other: _____

County Review Notes:

2. Requirement

The organization must have among its purposes the provision of decent housing that is affordable to low- and moderate-income people [§92.2 CHDO definition paragraph (7)]

Criterion Met:

- ☐ Yes
☐ No

Documentation submitted to demonstrate this item:

- ☐ Charter;
☐ Articles of Incorporation;
☐ By-laws; OR
☐ Resolutions

County Review Notes:

3. Requirement

No part of the organization's net earnings may inure to the benefit of any member, founder, contributor, or individual [§92.2 CHDO definition paragraph (2)]

Criterion Met:

- ☐ Yes
☐ No

Documentation submitted to demonstrate this item:

- ☐ Organizational Charter, OR
☐ Articles of Incorporation.

County Review Notes:

4. Requirement

The organization may not be controlled by, nor under the direction of, individuals or entities seeking to derive profit or gain from the organization [§92.2 CHDO definition paragraph (3)]

Criterion Met:

- ☐ Yes
☐ No

Documentation submitted to demonstrate this item:

- ☐ The organization's By-laws, OR
☐ A Memorandum of Understanding (MOU).

County Review Notes:

5. Requirement

The organization must be a recognized nonprofit by virtue of:

- 1. Having a tax exemption ruling from the Internal Revenue Service (IRS) under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986; OR**
- 2. Is classified as a subordinate of a central organization non-profit under section 905 of the Internal Revenue Code; OR**
- 3. Is a wholly owned entity that is a disregarded entity separate from its owner for tax purposes and is owned by entity with a tax exemption ruling from the IRS under Section 501(c)(3) or 501(c)(4). [§92.2 CHDO definition paragraph (4)]**

Criterion Met:

Documentation submitted to demonstrate this item submitted to

<input type="checkbox"/> Yes <input type="checkbox"/> No	<i>demonstrate this item:</i> <input type="checkbox"/> 501(c)(3) or (4) ruling/designation from the IRS; or <input type="checkbox"/> A group exemption letter from the IRS under Section 905 that includes the CHDO.
<i>County Review Notes:</i>	
6. Requirement The organization may not be a governmental entity such as a participating jurisdiction, other jurisdiction, Indian tribe, public housing agency, Indian housing authority, housing finance agency, redevelopment authority, zoning board or commission [§92.2 CHDO definition paragraph (5)]	
<i>Criterion Met:</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Documentation submitted to demonstrate this item submitted to demonstrate this item:</i> <input type="checkbox"/> Charter; <input type="checkbox"/> Articles of Incorporation; <input type="checkbox"/> By-laws; OR
<i>County Review Notes:</i>	
SECTION 2: INDEPENDENCE	
1. Requirement No more than one-third of the governing board members may be public officials or employees of a governmental entity [§92.2 CHDO definition paragraph (5)]	
<i>Criterion Met:</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	<i>Documentation submitted to demonstrate this item:</i> <input type="checkbox"/> By-laws, OR <input type="checkbox"/> Articles of Incorporation, AND <input type="checkbox"/> Current Board Roster indicating which members, if any, are public officials or employees of government entities

County Review Notes:

2. Requirement

The officers (including elected or appointed officials) or employees of a governmental entity may not be employees of a CHDO. [§92.2 CHDO definition paragraph (5)]

Criterion Met:

- ☐ Yes
- ☐ No

Documentation submitted to demonstrate this item:

- ☐ By-laws,
- ☐ Charter, OR
- ☐ Articles of Incorporation, **AND**
- ☐ Current Board Roster indicating which members, if any, are public officials or employees of government entities **AND**
- ☐ **Separate CHDO Staff Roster**

County Review Notes:

3. Requirement

If the CHDO was created by a governmental entity provided:

- a. The governmental entity may not appoint more than one-third of the membership of the organization's governing body; and
- b. The board members appointed by the governmental entity may not, in turn, appoint the remaining two-thirds of the board members. [§92.2 CHDO definition paragraph (5)]

Criterion Met:

- ☐ Not applicable, organization not created by a gov't entity
- ☐ Yes
- ☐ No

Documentation submitted to demonstrate this item:

- ☐ By-laws,
- ☐ Charter, OR
- ☐ Articles of Incorporation, **AND**
- ☐ Current Board Roster indicating which members, if any, are public officials or employees of government entities **AND**
- ☐ **Separate CHDO Staff Roster**

County Review Notes:

4. Requirement(s)

A CHDO may be sponsored or created by a for-profit entity, provided that

- a. The for-profit entity may not appoint more than one-third of the membership of the CHDO's governing body, and
- b. The board members appointed by the for-profit entity may not, in turn, appoint the remaining two-thirds of the board members
- c. The officers or employees of the sponsoring for-profit entity may not be employees of a CHDO.

[§92.2 CHDO definition paragraph 3(i) and (ii)]

Criterion Met:

- ☐ Not applicable, organization not created by a for-profit
- ☐ Yes
- ☐ No

Documentation submitted to demonstrate this item:

- ☐ By-laws,
- ☐ Charter, OR
- ☐ Articles of Incorporation
- ☐ Current Board Roster indicating which members, if any, are appointed by a for-profit parent entity

County Review Notes:

5. Requirement

A Community Housing Development Organization may be sponsored or created by a for-profit entity, however, the for-profit entity's primary purpose does not include the development or management of housing AND the CHDO is free to contract for goods and services from vendor(s) of its own choosing [§92.2 CHDO definition paragraph (3)(i) and (iii)]

<p><i>Criterion Met:</i></p> <p><input type="checkbox"/> Not applicable, organization not created by a for-profit</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>Documentation submitted to demonstrate this item:</i></p> <p><input type="checkbox"/> For-profit organization's By-laws</p> <p><input type="checkbox"/> CHDO's By-laws,</p> <p><input type="checkbox"/> Charter, OR</p> <p><input type="checkbox"/> Articles of Incorporation.</p>
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County Review Notes:

SECTION 3: ACCOUNTABILITY TO LOW INCOME COMMUNITY

1. Requirement

The organization must have a designated service area (i.e. the "community" in which it produces housing). A community can be a neighborhood or neighborhoods, city, county, metropolitan area, or multi-county area (but not the entire State). [§92.2 CHDO definition paragraph (8)(i)]

<p><i>Criterion Met:</i></p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>Documentation submitted to demonstrate this item:</i></p> <p><input type="checkbox"/> By-Laws,</p> <p><input type="checkbox"/> Charter,</p> <p><input type="checkbox"/> Articles of Incorporation, OR</p> <p><input type="checkbox"/> Board Resolution</p>
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County Review Notes:

2. Requirement

The organization must maintains at least one-third of its governing board's membership for residents of low-income neighborhoods, other low-income community residents, or elected representatives of low-income neighborhood organizations [§92.2 CHDO definition paragraph (8)(i)]

<p><i>Criterion Met:</i></p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>Documentation submitted to demonstrate this item:</i></p> <p><input type="checkbox"/> By-Laws,</p> <p><input type="checkbox"/> Charter, OR</p> <p><input type="checkbox"/> Articles of Incorporation.</p> <p><input type="checkbox"/> Current Board Roster indicating which members meet this criterion along with documentation of each such board member's qualification (e.g. certification of low income status, documentation of home address in low income community, designation by low income neighborhood organization)</p>
<p><i>County Review Notes:</i></p>	
<p>3. Requirement</p> <p>The organization has a formally adopted process for low-income, program beneficiaries to advise the organization in all of its decisions regarding the design, siting, development, and management of affordable housing projects [§92.2 CHDO definition paragraph (8)(ii)]</p>	
<p><i>Criterion Met:</i></p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><i>Documentation submitted to demonstrate this item:</i></p> <p><input type="checkbox"/> By-laws, OR</p> <p><input type="checkbox"/> Resolutions, OR</p> <p><input type="checkbox"/> A written statement of operating procedures approved by the governing body, <u>AND</u></p> <p><input type="checkbox"/> Statement signed by the president or chief executive officer describing input sought and received on the current project proposal</p>
<p><i>County Review Notes:</i></p>	
<p>4. Requirement</p> <p>The organization must have a history of serving the community within which housing to be assisted with HOME funds is to be located [§92.2 CHDO definition paragraph (10)]</p> <p>The CHDO or its parent organization must be able to show one year of serving the community prior to the date the PJ provides HOME funds to the organization. The organization must describe its history (or its parent organization's history) of serving the community by describing activities which it provided (or its parent organization provided), such as, developing new housing, rehabilitating existing stock and</p>	

managing housing stock, or delivering non-housing services that have had lasting benefits for the community, such as counseling, food relief, or childcare facilities. The statement must be signed by the president or other official of the organization.

Criterion Met:

- ☐ Yes
☐ No

Documentation submitted to demonstrate this item submitted to demonstrate this item:

- ☐ A statement that documents at least one year of experience in serving the community, OR
- ☐ For newly created organizations formed by local churches, service, or community organizations, a statement that documents that its parent organization has at least one year of experience in serving the community.

County Review Notes:

SECTION 4: CAPACITY

1. Requirement

The organization must have demonstrated capacity appropriate to the organization's role under §92.300 and to the nature of the proposed or anticipated project. This capacity must be satisfied by having paid employees with housing experience appropriate to the project or, for the first year of operations as a CHDO, by having a qualified consultant who will train the organization's paid employees. [§92.2 CHDO definition paragraph (9)]

Criterion Met:

- ☐ Yes
☐ No

Documentation submitted to demonstrate this item submitted to demonstrate this item:

- ☐ Project description from proposal/application
- ☐ Resumes/description of experience for staff assigned to development project
- ☐ **See separate CHDO Staff Capacity Evaluation Checklist**
- Include W-2s for identified staff, or in the absence of W-2s, copies of the employment contract between the CHDO and the employee (Social Security No. may be blacked out.)

County Review Notes:

2. Requirement

The organization must conform to the financial accountability standards of 24 CFR 84.21, "Standards for Financial Management Systems" [§92.2 CHDO definition paragraph (6)]

Criterion Met:

- ☐ Yes
- ☐ No

Documentation submitted to demonstrate this item submitted to demonstrate this item:

- ☐ A notarized statement by the president or chief financial officer of the organization;
- ☐ A certification from a Certified Public Accountant, OR
- ☐ A HUD approved audit summary.

County Review Notes:

APPENDIX F
CHDO Board Member Certification(s)

CHDO Board Member Certification(s)

Instructions: All board members must complete all the Public Official/Governmental Employee certification. Board members who are themselves low income or who are residents of low income neighborhoods must complete the appropriate certification. If a prospective CHDO allows a low income neighborhood organization to appoint members to its board, please contact Mobile County to discuss documentation needed.

CHDO BOARD MEMBER CERTIFICATIONS	
Name:	Address:
Name of Organization (prospective CHDO):	Board Term:
PUBLIC OFFICIAL/GOVERNMENTAL EMPLOYEE	
<p><i>All board members of the prospective CHDO must complete this certification</i></p> <p>For purposes of this certification, governmental entities include any participating jurisdiction, other jurisdiction (e.g. state or local government), Indian tribe, public housing agency, Indian housing authority, housing finance agency, redevelopment authority, or zoning board or commission.</p> <p>Public officials include any individual who is an elected or appointed member of any of governmental entity (e.g. a city council member, a member of the local zoning board, a member of a local public housing authority board, etc.).</p> <p>A government employee is anyone who is employed by a governmental entity on a full or part time basis even if that individual's job function is not related to housing, HUD programs, or other federal funding (e.g. a county sheriff deputy, a sanitation department worker, a secretary in the city parks department, etc.).</p>	
<p>[] I am <u>not</u> a public official and/or an employee of a governmental entity.</p> <p style="text-align: center;">OR</p> <p>[] I <u>am</u> a public office and/or an employee of a governmental entity. <i>If checked, describe your role and identify the governmental entity:</i></p>	
<p>Certification: I hereby certify that the above is true and correct as of the date of my signature below. If my status as a public office and/or government employee changes at any time during my tenure on the board, I will immediately notify the board chair and executive director in writing and update my certification.</p>	
Signature:	Date:
Printed Name:	

CHDO BOARD MEMBER CERTIFICATIONS

Name:	Address:
Name of Organization (prospective CHDO):	Board Term:

LOW INCOME COMMUNITY RESIDENT

Only board members who are counted toward the low income representation requirement by virtue of themselves being low income need complete this certification.

For purposes of this certification, a low income community resident is individual who is a member of a low income household and who resides in the organization's designated service area. A low income household is a household whose gross household income, including the income from all members of the household whether or not they are related, does not exceed 80% of the area median income as determined by HUD for the county in which the household lives.

To qualify as a low income community resident, a board member who is individually low income need not live in a low income neighborhood. *Note that a board member who qualifies as a public official or governmental employee may not be counted toward the low income representation requirement.*

2014 Income Limits for Mobile County AL

Household Size	80% AMI Limit	Household Size	80% AMI Limit
1	\$30,200	5	\$46,550
2	\$34,500	6	\$50,000
3	\$38,800	7	\$53,450
4	\$43,100	8	\$56,900

[] I am a member of a ___ person household, and my household income is at or below the applicable limit shown above.

Certification: I hereby certify that the above is true and correct as of the date of my signature below. If my status low income community resident changes at any time during my tenure on the board, I will immediately notify the board chair and executive director in writing and update my certification.

Signature:	Date:

Printed Name:

CHDO BOARD MEMBER CERTIFICATIONS	
Name:	Address:
Name of Organization (prospective CHDO):	Board Term:
RESIDENT OF LOW INCOME NEIGHBORHOOD	
<p>Only board members who are counted toward the low income representation requirement by virtue of themselves being low income need complete this certification.</p> <p>For purposes of this certification, a resident of a low income neighborhood is an individual whose primary place of residence is located in a census tract where at least 51% of the residents have incomes at or below 80% of the Area Median Income. <i>Note that a board member who qualifies as a public official or governmental employee may not be counted toward the low income representation requirement.</i></p>	
Street Address	
City, State, Zip code	
Census Tract	
Percentage of tract residents at/below 80% AMI	
<p><input type="checkbox"/> I am a resident of a low income neighborhood and that my neighborhood is located within the service area of the organization.</p>	
<p>Certification: I hereby certify that the above is true and correct as of the date of my signature below. If my primary place of residence changes at any time during my tenure on the board or if I become aware of a change in the demographic data for my neighborhood, I will immediately notify the board chair and executive director in writing and update my certification.</p>	
Signature:	Date:
Printed Name:	